

**LEGISLATIVE SERVICES AGENCY  
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**FISCAL IMPACT STATEMENT**

**LS 6318**

**BILL NUMBER:** HB 1039

**NOTE PREPARED:** Dec 13, 2014

**BILL AMENDED:**

**SUBJECT:** Court Staff Attorney Pilot Program.

**FIRST AUTHOR:** Rep. Washburne

**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED:** X **GENERAL**  
**DEDICATED**  
**FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** This bill has the following provisions:

- A. It creates the Circuit and Superior Court Staff Attorney Pilot Program (Pilot Program) to provide assistance to courts with preparing orders for complex motions.
- B. It requires the Judicial Center to administer and to report to the Interim Study Committee on Courts and the Judiciary (Committee) concerning the pilot program.
- C. It requires the Committee to receive reports concerning the pilot program, and allows the Committee to make recommendations and to propose legislation concerning the pilot program.

**Effective Date:** July 1, 2015.

**Explanation of State Expenditures:** *Summary-* This bill requires the Indiana Judicial Center to administer a pilot project so that either senior judges, third-year law students, or staff attorneys would be available for courts of record to use to prepare orders to grant or deny complex motions in certain civil cases.

Depending on the number of days worked, senior judges receive either \$100, \$175, or \$200 per day. Third-year law students would likely receive travel and incidental expenses. The costs of this assistance could be offset by a fee, depending on the fee level established.

The pilot project would involve five counties of varying populations, with two small counties (fewer than 50,000 in population), two medium-sized counties (between 50,000 and 200,000), and one large county (greater than 200,000). The Judicial Center would also be required to establish guidelines for courts that use this pilot program. The pilot project would expire June 30, 2017.

**Additional Information-** In the pilot counties, one of two events could trigger a request to the Indiana Judicial Center to appoint an attorney to be involved in a complex motion. (1) If a party to a case files a complex motion in a civil case, the party can request assistance from the Judicial Center to have a staff attorney from the pilot program assist the court in preparing a judicial opinion that explains the reasons for granting or denying the complex motion; or (2) a judge may request research and drafting assistance in preparing a judicial opinion that explains the reasons for granting or denying a complex motion.

A complex motion is defined as a motion to dismiss, a motion for summary judgment, or another motion considered to be complex by the Indiana Judicial Center.

The Indiana Supreme Court annually reports the number of cases disposed by type and by method. Civil cases include civil plenary (more complex cases involving contract disputes and actions seeking equitable or injunctive relief), mortgage foreclosures, civil collections, and civil torts.

Selected Civil Cases Disposed in CY 2013			
Civil Plenary	Mortgage Foreclosure	Civil Collections	Civil Tort
11,549	31,566	67,813	10,788

**Explanation of State Revenues:** The Indiana Judicial Center may require a fee from the petitioning party who requests assistance from the Judicial Center if a complex motion is filed.

**Explanation of Local Expenditures:** See *Explanation of State Expenditures*.

**Explanation of Local Revenues:**

**State Agencies Affected:** Indiana Judicial Center.

**Local Agencies Affected:** Trial courts selected in the pilot program.

**Information Sources:** Indiana Supreme Court, Division of State Court Administration.

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